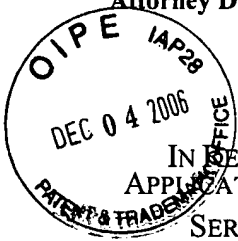


IAP13 Rec'd PCT/PTO 04 DEC 2006



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE PATENT
APPLICATION OF: Bernard CONNOLLY et al.
SERIAL NO.: 10/511,130
ATTORNEY
DOCKET NO: 067074-0310832
FILING DATE: 08/15/2005
ART UNIT: Not Assigned
EXAMINER Not Assigned
FOR: DNA POLYMERASES

DEFICIENCY PAYMENT UNDER 37 C.F.R. 1.28(C)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This paper is being submitted to address a good faith error in payment of small entity fees.

When this application was filed, a small entity filing fee was erroneously paid with a good faith belief that this application was entitled to small entity status. After filing, several small entity fees were erroneously paid (as detailed in Appendix A) with a good faith belief that this application was entitled to small entity status.

After reasonable inquiry, Applicants believe that small entity status may not be appropriate in this application. Pursuant to 37 C.F.R. §1.28(c), Applicants request that the Commissioner excuse the good faith error in payment of small entity fees and charge the deficiency payment of \$842.00 to Deposit Account No.: 033975 (Ref. No. 067074-0310832).

Deficiency Payment Under 37 C.F.R. 1.28(c)
Application Serial No.: 10/511,130
Attorney Docket No.: 067074-0310832

Customer No.: 27496

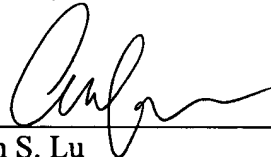
Pursuant to 37 C.F.R. §1.28(c)(2)(ii), an itemization of the deficiency payment is also included herein in Appendix A.

If a determination is made that additional fees are necessary for the payment of deficiency fees or for other reasons, the Director is further authorized to charge such fees to our Deposit Account No.: 033975 (Ref. No. 067074-0310832).

Date: December 1, 2006

Respectfully submitted,

By:



Carolyn S. Lu
Registration No. 56,817

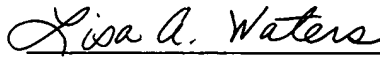
Customer No. 27496

PILLSBURY WINTHROP SHAW PITTMAN LLP
725 S. Figueroa St.
Suite 2800
Los Angeles, CA 90049
Main: 213-488-7100
Fax: 213-629-1033

CERTIFICATION UNDER 37 C.F.R. §§ 1.8 and/or 1.10*

(When using Express Mail, the Express Mail label number is *mandatory*; Express Mail certification is *optional*.)

I hereby certify that, on the date shown below, this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



Signature

Date: December 1, 2006

LISA A. WATERS

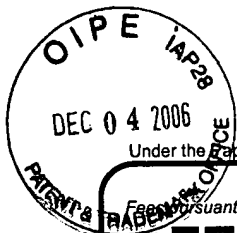
(type or print name of person certifying)

* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

APPENDIX A

Itemization of Deficiency Payments

DEFICIENT PAYMENT	TYPE OF FEE ERRONEOUSLY PAID AS SMALL ENTITY	CURRENT FEE FOR NON-SMALL ENTITY	SMALL ENTITY FEE ACTUALLY PAID	DATE SMALL ENTITY FEE PAID	DEFICIENCY OWED
	37 C.F.R. 1.28(c)(2)(ii)(A)	37 C.F.R. 1.28(c)(2)(ii)(A)	37 C.F.R. 1.28(c)(2)(ii)(B)	37 C.F.R. 1.28(c)(2)(ii)(B)	37 C.F.R. 1.28(c)(2)(ii)(C)
FIRST DEFICIENT PAYMENT	Application Filing Fee (27 total claims, 1 independent claims)	\$1380.00 (includes \$300 basic national stage fee under 37 CFR §1.492(a), \$400 national stage search fee 37 CFR §1.492(b)(3), \$200 national stage examination fee under 37 CFR §1.492(c)(2), \$350 fee for 7 claims over 20 under 37 CFR §1.492(e), and \$130 Surcharge for late filing of declaration under 37 CFR §1.492(h))	\$603.00 (includes \$475 basic national fee, \$63 fee for 7 claims over 20, and \$65 surcharge for late filing of declaration)	Response, Submitted: October 13, 2004	\$1380.00 - \$603.00 = <u>\$777.00</u>
SECOND DEFICIENT PAYMENT	Application Processing Fee: Late filing fee of declaration Under 37 CFR §1.16(f)	\$130.00	\$65.00	Response, Submitted: August 10, 2005	\$130.00 - \$65.00 = <u>\$65.00</u>
TOTAL DEFICIENCY PAYMENT OWED 37 C.F.R. 1.28(c)(2)(ii)(D)	\$777.00 + \$65.00 = <u>\$842.00</u> total Deficiency Owed				



PTO/SB/17 (01-06)

Approved for use through 07/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless it displays a valid OMB control number

Pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL

For FY 2006

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 842.00

Complete if Known

Application Number	10/511,130
Filing Date	October 13, 2004
First Named Inventor	BERNARD CONNOLLY
Examiner Name	
Art Unit	
Attorney Docket No.	067074-0310832

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____

☒ Deposit Account Deposit Account Number: 033975 Deposit Account Name: PILLSBURY WINTHROP SHAW PITTMAN LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION (All the fees below are due upon filing or may be subject to a surcharge.)**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180
Total Claims	Extra Claims	Fee (\$)
- 20 or HP =	x	=
HP = highest number of total claims paid for, if greater than 20.		
Indep. Claims	Extra Claims	Fee (\$)
- 3 or HP =	x	=
HP = highest number of independent claims paid for, if greater than 3.		

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 =	/ 50 =	(round up to a whole number) x	250.00	= 0.00

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): deficiency payment

Fees Paid (\$)

842.00

SUBMITTED BY

Signature		Registration No. (Attorney/Agent)	56817	Telephone	213.488.7238
Name (Print/Type)	Carolyn Lu	Date	December 1, 2006		

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.